

Message Text

CONFIDENTIAL

PAGE 01 PARIS 08153 021128Z

15

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-02 SCCT-01 JUSE-00 SCA-01

CIAE-00 INR-07 NSAE-00 SSO-00 INRE-00 NSCE-00 NSC-05

/036 W

----- 068652

O 021114Z APR 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 8050

C O N F I D E N T I A L PARIS 08153

E. O. 11652: GDS

TAGS: EAIR, FR

SUBJECT: EXTRADITION--HOLDER/KERKOW

REF: STATE 70959

1. CONSUL GENERAL ACCOMPANIED BY RCAA CALLED ON APRIL 1 ON MAURICE GRIMAUD, SECRETARY GENERAL OF CIVIL AVIATION IN STATE SECRETARIAT OF TRANSPORTATION TO DISCUSS HOLDER-KERKOW CASE PURSUANT REFTEL. ON DEPT.'S SUGGESTION WE HAD EARLIER SOUGHT CONTACT GUILLAUME, WHO IS GRIMAUD'S LEGAL ADVISER AT SGAC, BUT HE IS ON VACATION UNTIL APRIL 7. GRIMAUD ANYWAY IS SENIOR CIVIL SERVANT CONCERNED WITH CIVAIR MATTERS IN GOF, INCLUDING ANTI-HIJACKING AND OTHER RELATED CIVAIR SECURITY MATTERS FOR WHICH HE HAS SMALL STAFF IN HIS ADMINISTRATION.

2. AFTER CONSUL GENERAL HAD REVIEWED BACKGROUND OF CASE AND STRESSED REFTEL POINTS, GRIMAUD SAID HE FULLY APPRECIATED OUR CONCERN OVER HOW EXTRADITION REQUEST MIGHT FARE IN FRENCH COURTS, SINCE HIS PREVIOUS FUNCTIONS AS DIRECTOR OF SURETE NATIONALE AND THEN AS PARIS PREFECT OF POLICE HAD MADE HIM UNFORTUNATELY ALL TOO WELL AWARE OF HOW FRUSTRATING THE WORKINGS OF THE FRENCH COURT SYSTEM COULD SOME-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 08153 021128Z

TIMES BE. GRIMAUD SAID THAT AS HE UNDERSTOOD THE

SITUATION IN THE HOLDER-KERKOW CASE, FRANCE WOULD BE BOUND TO PROSECUTE THEM UNDER THE HAGUE CONVENTION IF EXTRADITION WERE REFUSED TO PERMIT THEIR TRIAL IN THE US. IN RESPONSE TO THE HYPOTHETICAL QUESTION OF WHEN SUCH NEW INDICTMENT MIGHT BE ENTERED IN THE EVENT THE EXTRADITION REQUEST WAS REJECTED BY THE COURT, GRIMAUD EXPRESSED THE VIEW THAT IT SHOULD BE SERVED IMMEDIATELY AFTER THE EXTRADITION RULING WAS HANDED DOWN, IN THE EVENT IT WAS NEGATIVE, IN ORDER THAT HOLDER AND KERKOW WOULD REMAIN IN CUSTODY UNTIL BROUGHT TO TRIAL. GRIMAUD STRESSED THAT THESE WERE HIS OWN PERSONAL VIEWS, BASED ON HIS PAST POLICE EXPERIENCE AND FAMILIARITY WITH THE LAW, BUT OF COURSE THESE WERE MATTERS IN WHICH THE JUSTICE MINISTRY AND NOT HIS OWN DEPARTMENT WAS COMPETENT. HE DID NOTE, HOWEVER, THAT THE FRENCH AUTHORITIES WERE ESPECIALLY SENSITIVE ON THE ISSUE OF "POLITICAL" CRIMES THESE DAYS BECAUSE OF THE PRESENCE IN FRANCE OF A NUMBER OF SPANISH POLITICAL REFUGEES WHOSE RETURN THE SPANISH GOVERNMENT HAD BEEN VAINLY SEEKING ON OSTENSIBLY CRIMINAL CHARGES; THE COURTS, GRIMAUD OPINED, MIGHT THEREFORE BE HESITANT TO REJECT ANY SEEMING POLITICAL MOTIVATION TO HOLDER-KERKOW ACTS AND PERMIT EXTRADITION BECAUSE OF PRECEDENT THIS MIGHT ESTABLISH FOR TREATMENT OF SPANISH REFUGEES.

3. GRIMAUD SAID THAT HIS OWN CIVAIR ADMINISTRATION FULLY SHARED OUR CONCERN THAT HIJACKERS BE BROUGHT TO JUSTICE AND BE SEVERELY PUNISHED IN ORDER TO DETER FUTURE ACTS OF AIR PIRACY AND MAKE AIR TRAVEL SAFER FOR THE PUBLIC AND THE CARRIERS. HOLDER AND KERKOW SHOULD BE SEVERELY PUNISHED, WHETHER IN US OR IN FRANCE. WHILE HE COULD NOT SAY WHAT WEIGHT HIS VIEWS WOULD HAVE WITHIN THE GOF AND IT WAS UNLIKELY THAT THEY WOULD INFLUENCE THE COURSE OF THE PRESENT EXTRADITION HEARINGS BEFORE THE COURT, HE SAID THAT HE WOULD MAKE HIS VIEWS KNOWN PROMPTLY TO THE APPROPRIATE AUTHORITIES AND ALERT THEM TO THE FACT THAT FRANCE'S OWN CIVAIR INTERESTS, AS MUCH AS THOSE

CONFIDENTIAL

PAGE 03 PARIS 08153 021128Z

OF THE US, WERE AT STAKE IN THE PROSECUTION OF SUCH HIJACKERS. GRIMAUD SAID THAT HE WOULD ALSO CONSULT GUILLAUME FOR HIS VIEWS AND BE FURTHER IN TOUCH WITH US IF THERE WAS ANYTHING FURTHER TO REPORT.

4. WHEN SCHMELCK'S OFFICE TELEPHONED LAST NIGHT CALLER WAS ALREADY AWARE OF OUR DEMARCHE TO GRIMAUD THAT AFTERNOON, INDICATING THAT LATTER LOST NO TIME IN DISCUSSING CASE WITH JUSTICE MINISTRY.

RUSH

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, AIRCRAFT HIJACKING
Control Number: n/a
Copy: SINGLE
Draft Date: 02 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: buchandr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975PARIS08153
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750113-0943
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750489/aaaaddih.tel
Line Count: 116
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 70959
Review Action: RELEASED, APPROVED
Review Authority: buchandr
Review Comment: n/a
Review Content Flags:
Review Date: 13 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 MAY 2003 by izenbei0>; APPROVED <01 OCT 2003 by buchandr>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION--HOLDER/KERKOW
TAGS: EAIR, CPAS, FR, (HOLDER, WILLIAM), (KERKOW, KATHERINE)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006